

JURY DEMANDED

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3. Plaintiff, Duane Goodwin, is the sole surviving son and heir of Decedent, Jimmy Goodwin.

4. Plaintiff, Duane Goodwin, was appointed the personal representative of the Estate of Jimmy Goodwin through Letters of Testamentary issued by the Probate Court of Calhoun County, Alabama.

5. Defendant, G.K. Pope Trucking, Inc., is a North Carolina corporation with its principal place of business located in Monroe, North Carolina. Defendant, G.K. Pope Trucking, Inc., conducts business in the State of Alabama.

6. Defendant, Guster L. McCoy, is an individual citizen of the State of North Carolina.

7. The events forming the basis of this lawsuit occurred in Calhoun County, Alabama located in the Eastern Division of the Northern District of Alabama.

8. Subject matter jurisdiction exists in this Court pursuant to 28 U.S.C. § 1332 in that complete diversity exists amongst the Plaintiff and Defendants and the amount in controversy exceeds the sum of \$75,000.00.

II. FACTS

9. On July 7, 2017, Decedent, Jimmy Goodwin, was operating a motor vehicle at the intersection of Coleman Road and Veterans Memorial Parkway located in Calhoun County, Alabama.

10. At the same time, Defendant, Guster L. Mccoy, was operating a semi tractor/trailer as an agent or in the line, scope, and course of his employment for Defendant, G.K. Pope Trucking, Inc.

11. Defendant Mccoy caused the tractor/trailer he was operating to run through a red traffic signal for Defendant Mccoy's direction of travel.

12. Defendants' failure to obey the red traffic signal resulted in the tractor/trailer violently striking the vehicle being operated by Decedent, Jimmy Goodwin.

13. As a direct and proximate cause of the Defendants' actions and/or omissions, Decedent, Jimmy Goodwin, was wrongfully killed.

III. FIRST CAUSE OF ACTION **(Defendant Guster Mccoy - Negligence, Recklessness, and/or Wantonness)**

14. The Plaintiff avers that all the injuries and death of Jimmy Goodwin was proximately caused by the negligence, recklessness, and/or wantonness of Defendant Guster Mccoy.

15. The negligence, recklessness, and/or wantonness of Defendant Mccoy, includes, but is not limited to, the following specific acts:

- (a) Failing to inspect his tractor and trailer;
- (b) Failing to maintain his tractor and trailer;
- (c) Failing to repair his tractor and trailer;
- (d) Failing to understand and/or communicate directives of his job;
- (e) Failing to comply with applicable motor carrier safety regulations;
- (f) Failing to comply with operating, safety, and/or training rules of G.K. Pope Trucking, Inc.
- (g) Traveling at an unsafe speed for the road conditions;
- (h) Failing to keep a proper lookout;
- (i) Failing to comply with Alabama Motor Safety Laws and rules of the road;
- (j) Failing to obey traffic signals for his direction of travel; and
- (k) He was otherwise negligent, reckless, and/or wanton

IV. SECOND CAUSE OF ACTION
(Defendant G.K. Pope Trucking, Inc. - *Respondeat Superior*)

16. The Plaintiff avers that all of the injuries and death of Jimmy Goodwin were proximately caused by the negligence, willfulness, recklessness, and/or wantonness of the Defendant, G.K. Pope Trucking, Inc., acting by and through its agent, servant, or employees, including but not limited to, Defendant McCoy.

III. THIRD CAUSE OF ACTION
**(Defendant G.K. Pope Trucking, Inc. -
Negligence, Recklessness, and/or Wantonness)**

17. The Plaintiff avers that all of the injuries and death of Jimmy Goodwin were proximately caused by the negligence, willfulness, recklessness, and/or wantonness of the Defendant, G.K. Pope Trucking, Inc.

18. The negligence, willfulness, recklessness, and/or wantonness of the Defendant, G.K. Pope Trucking, Inc., includes, but is not limited to, the following specific acts:

- (A) It failed to train its driver;
- (B) It failed to supervise its driver;
- (C) It retained its driver;
- (D) It hired its driver;
- (E) It entrusted its driver with a tractor-trailer;

- (F) It failed to comply with applicable federal motor carrier safety regulations;
- (G) It failed to inspect, maintain, and/or repair the tractor or trailer in proper and safe working order; and
- (H) It was otherwise willful, reckless, wanton, and/or negligent.

IV. FOURTH CAUSE OF ACTION
(Wrongful Death - Alabama Code 6-5-410)

19. Plaintiff avers that the death of Jimmy Goodwin was the natural and proximate cause of the actions and/or omissions of the Defendants set out herein and Jimmy Goodwin's death was a wrongful death as prescribed by Alabama Code 6-5-410.

V. DAMAGES

20. Plaintiff seeks damages and compensation for the Wrongful Death of Jimmy Goodwin, including but not limited to punitive damages, as allowed by Alabama Code 6-5-410. Additionally, Plaintiff seeks all other damages and relief allowed by law and in this Court's discretion.

21. Plaintiff expects such fair compensation and punitive damages to be well in excess of the jurisdictional minimums of this Court.

VI. JURY DEMAND

22. Plaintiff requests a trial by struck jury.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Chris Keith', is written over a horizontal line.

CHRISTOPHER A. KEITH (ASB-6728-076K)

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PLAINTIFFS' ADDRESS:

Duane Goodwin

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Munford, AL 36268

SERVE DEFENDANTS BY CERTIFIED MAIL AS FOLLOWS:

G.K. Pope Trucking, Inc.

c/o Gregory K. Pope-Registered Agent/President

606 Baucom Deese Road

Monroe, NC 28110-8782

Guster Lee McCoy

63 River Run Ct

Erwin, NC 28339